

# **Exhibit 05**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONTEX CORPORATION,

Plaintiff,

v.

NIKE, INC.,

Defendant.

Civil Action No.: 18-cv-5623

(Hon. Michael M. Baylson)

**DECLARATION OF KATE SCHRADER**

I, Kate Schrader, declare under penalty of perjury that the following is true and correct:

1. I was previously employed as a manager and private investigator with the investigative firm of Marksmen, Inc. At the time this investigation was conducted, I was a licensed private investigator in the state of California. I was licensed as a private investigator licensed in the state of California from 1999 to 2005 and from 2010 to 2019 and have since retired. I have personal knowledge of the facts set forth below, and if called upon to testify, I could and would do so competently.

2. On August 15, 2016, at the direction of Christopher Kindel from the law firm of Pirkey Barber, I placed an order on Sweat It Out's website, sweatitout.com, for a size large pair of 1900 Performance Compression Shorts in navy. Attached hereto as **Exhibit C** are a true and correct screenshots of the 1900 Performance Compression Shorts webpage on sweatitout.com and the corresponding checkout page.

3. The order described in ¶ 2 was delivered on August 16, 2016. The package contained an invoice and credit card receipt reflecting a charge of \$94.40 [\$59.95 + 34.45 shipping], and a sealed bag in which was enclosed a Sweat It Out brochure and a pair of Sweat It Out compression shorts.

4. True and correct copy of photographs of the shorts delivered as described in ¶ 3 is attached hereto as **Exhibit A**.

5. The words "COOL COMPRESSION" do not appear anywhere on the shorts described in ¶ 3.

6. The shorts had a care label sewn in that references "SWEAT IT OUT."

7. Attached hereto as **Exhibit B** are photographs we took of the shorts described in ¶ 3 and their corresponding care label described in ¶ 6.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 14th day of January, 2020.

A handwritten signature in blue ink, appearing to read "Kate Schrader", is written over a horizontal line.

Kate Schrader

# **EXHIBIT A**





# **EXHIBIT B**







RN 5512

**SWEAT IT OUT®**

1-800-343-8960

[www.sweatitout.com](http://www.sweatitout.com)

Machine Wash Cold

Tumble Dry Warm

Do Not Bleach

Do Not Iron

Made In USA

70% Coolmax®

30% Lycra®

**LARGE**

# **EXHIBIT C**



More Views



## 1900 Performance Compression Shorts

Custom Sizes Available Upon Request call 800-343-8960

Email to a Friend

Be the first to review this product

Available colors:

Black	White	Navy	Royal
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\*color

-- Please Select - ▼

\*Height (5' to 6'3"):

\*Waist Size (23-44 inches) NOT pants size, measure around waist at belly button level:

\*Weight (96lbs-250lbs):

\* Required Fields

\$59.95

Qty: 1

Add to Cart

Add to Wishlist

Add to Compare

## Checkout

1 Checkout Method

2 Billing Information

3 Shipping Information

4 Shipping Method

5 Payment Information

6 Order Review

Product Name	Price	Qty	Subtotal
1900 Performance Compression Shorts	\$59.95	1	\$59.95
<i>color</i>			
navy			
<i>Height (5' to 6'3"):</i>			
6'2"			
<i>Waist Size (23-44 inches) NOT pants size, measure around waist at belly button level:</i>			
36			
<i>Weight (96lbs-250lbs):</i>			
180			

Subtotal \$59.95

Shipping & Handling (United Parcel Service - Next Day Air) \$34.45

Grand Total \$94.40

[Forgot an Item? Edit Your Cart](#)

[Place Order](#)